

Applicants: David Baltimore et al.
Serial No.: 10/037,341
Filed : January 4, 2002
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REMARKS

In the January 9, 2008 Communication issued by the U.S. Patent and Trademark Office, the Examiner asserted "the amendment to the claims filed on 10/24/07 does not comply with the requirements of 37 CFR 1.121(c) because applicants have not addressed, in any fashion, the obviousness-type double patenting rejection of claim 90 over the claims in the 6,410,516 patent." The January 9, 2008 Communication indicated that a complete response to the obviousness-type double patenting rejection can include a statement that applicants will file a Terminal Disclaimer upon indication of allowable subject matter.

Applicants' Response

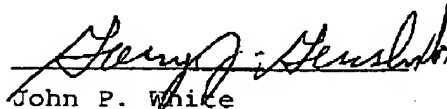
In response, applicants will file a Terminal Disclaimer upon indication of allowable subject matter should the allowable claims so require.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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